

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG
LONDON LOS ANGELES NEW YORK PALO ALTO
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Arlo Devlin-Brown

Covington & Burling LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
T +1 212 841 1046
adevlin-brown@cov.com

By ECF

January 12, 2021

The Honorable Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Fernandez-Rodriguez et al. v. Licon-Vitale*, No. 20 Civ. 3315 (ER)

Dear Judge Ramos:

We write on behalf of Petitioners, pursuant to Section 2(A)(ii) of the Court's individual practices, to request leave to file an amended petition under Federal Rules of Civil Procedure 15 and 21.

The proposed amended petition adds named petitioners, removes named petitioners who are no longer incarcerated at the MCC, and updates factual allegations based on events occurring since the original petition was filed. The amended petition does not add any new claims or seek any additional relief. Respondent has provided written consent to the amendment. *See* Fed. R. Civ. P. 15(a)(2). Under circumstances such as these, courts regularly grant leave to amend. *Id.* ("The court should freely give leave when justice so requires."); *see also, e.g., Boston v. Taconic Mgmt.*, No. 12-cv-4077 (ER), 2014 WL 4184751, at *1 (S.D.N.Y. Aug. 22, 2014) (granting motion for leave to file an amended complaint under Rules 15 and 21 to add new parties and factual allegations).

Should the Court grant leave to file an amended petition, the parties jointly request that Respondent's answer to the amended petition be deferred until after the completion of discovery, at which time the parties will jointly propose a schedule to the Court for any further proceedings.

We thank the Court for its consideration of these requests.

Respectfully submitted,

s/ Arlo Devlin-Brown
Arlo Devlin-Brown
Andrew A. Ruffino
Alan Vinegrad

cc: Counsel for Respondent (by ECF and e-mail)